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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/578,748	06/01/2006	Shoji Tokuda	11197/14	4483
23838	7590	06/26/2009	EXAMINER	
KENYON & KENYON LLP			JONES, CHRISTOPHER P	
1500 K STREET N.W.				
SUITE 700			ART UNIT	PAPER NUMBER
WASHINGTON, DC 20005			1797	
			MAIL DATE	DELIVERY MODE
			06/26/2009	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/578,748	TOKUDA ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	CHRISTOPHER P. JONES	1797	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on \_\_\_\_.
- 2a) This action is **FINAL**.                            2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4 is/are rejected.
- 7) Claim(s) \_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.
 

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 20060510, 20070301.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) Notice of Informal Patent Application
- 6) Other: Translation of JP 2003-512147 A, translation of JP2002-348480 A.



## DETAILED ACTION

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2003-512147 A [translation] assigned to Hollingsworth & Vose Air Filtration LTD (*Hollingsworth*) in view of JP 2002-348480 A [translation] assigned to Toyobo Co., Ltd. (*Toyobo*).

3. Regarding claims 1-2, *Hollingsworth* discloses a charged filter material comprising at least 20 mass% of polyester fiber and at least 30 mass% of polyolefin fiber (paragraphs 6-13).

4. *Hollingsworth* does not explicitly disclose that the charged filter material is friction charged. Nevertheless, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have the charged material be friction charged, since it was known in the art that friction charging a filter is a useful way to capture fine particles in the air (see Applicant's specification page 1, lines 15-22).

5. *Hollingsworth* does not explicitly disclose phosphinic and/or sulfonic acid copolymerized with a polyester molecular chain. *Toyobo* discloses that phosphinic and copolymerized with a polyester molecular chain increases the fire retardancy of the filter

material (see *Toyobo* claims; paragraphs 6-7, 15-17, and 23). It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the charged filter material, of *Hollingsworth*, so that phosphinic acid is copolymerized with a polyester molecular chain for the purpose of increasing the fire retardancy of the filter material.

6. Regarding claims 3 and 4, *Hollingsworth* in view of *Toyobo* discloses a filter material with the same preferred structure as contained in Applicant's claims/specification; therefore, it is inherent that the filter material is self-extinguishing in the combustibility classification according to JIS D 1201 (1977) method of combustibility test for organic materials disposed in automobile compartment. See MPEP 2112.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHRISTOPHER P. JONES whose telephone number is (571)270-7383. The examiner can normally be reached on Monday - Thursday, 8:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571)272-1166. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. P. J./  
Examiner, Art Unit 1797

/DUANE SMITH/  
Supervisory Patent Examiner, Art  
Unit 1797